Cumberland Town Council
Ordinance 2018 – 24
Maternity and Paternity Leave

Whereas, chapter 6 of the Town of Cumberland Employee Handbook details the Town leave policies; and

Whereas, section 6.06 of the Employee Handbook provides for 12 work weeks of unpaid leave for eligible employees under the Family Medical Leave Act (“FMLA”); and

Whereas, the birth of an employee’s child or placement of an employee’s child pursuant to adoption or foster care may be considered a “serious medical condition,” which allows eligible employees access to unpaid leave under the FMLA; and

Whereas, the Town of Cumberland is not required to provide additional maternity or paternity leave under state or federal law; and

Whereas, the Town Council finds that it is in the best interest of the Town, and its employees, to provide maternity and paternity leave to eligible employees for greater flexibility and time to welcome their new child and further adjust to the addition of a new family member.

Therefore, it is ordained, that a new section, section 6.11, shall be added to Chapter 6 of the Town of Cumberland Employee Handbook to provide for a maternity and paternity leave policy, and this new section shall read as written in Exhibit A.

Ordained this 7th day of November, 2018
Cumberland Town Council:

Anna Pea, President

Joe Siefker, Vice President

Brian Gritter, Member

Nicole Bell, Member

Aaron Cutshaw, Member

Attest:

Erica Salmon, Clerk-Treasurer
6.11 MATERNITY AND PATERNITY LEAVE

6.11.1 Leave Provided: The Town of Cumberland will provide maternity and paternity leave associated with the birth of an employee’s own child or the placement of a child with the employee in connection with adoption or foster care.

6.11.2 Eligible Employees: To be eligible for these benefits an employee must have worked full time for the Town of Cumberland for a minimum of twelve continuous months and be in good employment standing.

6.11.3 Amount of Leave Available: An eligible employee may take up to 12 weeks of unpaid maternity or paternity leave associated with the birth of an employee’s own child or the placement of a child with the employee in connection with adoption or foster care.

6.11.4 Use of Paid Leave; Coordination with other Town Policies: If the employee is covered under the Family Medical Leave Act (“FMLA”), the Town of Cumberland may consider maternity or paternity leave taken under this policy as FMLA leave. Eligible employees may use, in an amount not to exceed three weeks, available or accrued Vacation Leave, Sick Leave, and/or Personal days awarded pursuant to the Town’s Attendance Incentive Policy, as applicable, toward the unpaid leave taken under this section. The Town may consider the use of paid Vacation Leave, Sick Leave, and/or Personal days awarded pursuant to the Town’s Attendance Incentive Policy taken under this policy as FMLA leave.

6.11.5 Continuation of Health Coverage: The Town of Cumberland will continue to cover an eligible employee’s health insurance premiums during the employee’s leave time only if the employee returns to work for the Town of Cumberland.

6.11.6 Notice of Leave; Leave Planning: Eligible employees seeking to take maternity or paternity leave must request the leave from the employee’s supervisor at least 30 days prior to taking the leave, if possible. If this is not possible, the employee must request the leave as soon as possible and immediately upon becoming aware of the need for leave. Prior to taking maternity or paternity leave, the employee and the Town will create a return to work plan that also includes the leave time. It is the responsibility of the employee to communicate to the Town of Cumberland if the leave plan or return to work plan needs to be changed while on leave. The Town may request written notification from doctor or physician in the event of a female employee who is taking leave in connection with a live birth.

6.11.7 Multiple Births, Adoption, Foster Care Placement: The fact that multiple births, adoptions, or foster care placements occur simultaneously, does not increase the length of maternal or parental leave.
6.11.8 Both Parents are Employees. If both parents are employees of the Town of Cumberland and work in the same department, only one may access the available paid benefits of section 6.11.4.

6.11.9 Benefits upon Termination: Upon termination from employment, the employee shall not be eligible for payment for any unused maternal or parental leave.

6.11.10 Policy Abuse; Discipline: The Town may initiate disciplinary action, including termination of employment, against any employee found to abuse this policy.

6.11.11 Reservation of Benefits by the Town: The Town of Cumberland, as with all other policies of the Town, reserves the right to modify this policy at any time.